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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,207	03/26/2004	Alvin Barshefsky	BARSHEFSKY 4-2-2	8640
50525 7590 03/08/2007 DUFT BORNSSEN & FISHMAN, LLP 1526 SPRUCE STREET SUITE 302 BOULDER, CO 80302			EXAMINER CAO, PHUONG THAO	
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2164

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/810,207	Applicant(s) BARSHEFSKY ET AL.	
	Examiner Phuong-Thao Cao	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to Amendment filed on 12/28/2006.
2. Claims 1, 3-5, 8, 11 and 13 have been amended. Currently, claims 1-17 are pending.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

4. Claims 1 and 13 are objected to because of the following informalities: “**andsaid**” in line 11 of claim 1 should be “and said”; and “**and** inventory file element” in line 7 of claim 13 should be “**an** inventory file element”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Brodersen et al. (Publication No US 2002/0129352).

As to claim 1, Brodersen et al. teaches:

“A system” (see Abstract and [0031]) comprising:

“a release storage area for storing files and directories related to a current release of a released software product” (see [0095], [0100] and [0103] wherein a repository storing a product release is equivalent to Applicant’s “a release storage area”);

“a second storage area for storing files and directories associated with modifications of the current release” (see [0103] for the disclosure of different repositories to keep different product releases separate);

“a software release information manager coupled to the release storage area and coupled to the second storage area and adapted to identify differences between files and directories in the release storage area and file and directories in the second storage area” (see [0094]-[0101] wherein the Business Object Upgrader including Business Object Repository to store different product release versions and Difference Engine to create a list of differences between the two versions is equivalent to Applicant’s “software release information manager”);

“an inventory file element for gathering and storing information in said second storage area” (see [0094], [0099], [0109] and [0111] wherein repository tables containing meta-data regarding object definitions as disclosed is equivalent to Applicant’s “inventory file element”;  
and

“said software release information manager is operable to control the operation of said inventory file element to effect the transfer of said information from said second storage area to said release storage area” (see [0092], [0094], [0100]).

As to claim 2, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Brodersen et al. teaches:

“a scan element to determine information regarding files and directories located in the second storage area” (see [0096], [0099] and [0115]-[0118] wherein Difference Engine is equivalent to Applicant’s “scan element”).

As to claim 3, this claim is rejected based on arguments given above for rejected claim 2 and is similarly rejected including the following:

Brodersen et al. teaches:

“a database couple to the scan element and said inventory file element for storing the information regarding files and directories located in the second storage area” (see [0103] and [0106]).

As to claim 4, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Brodersen et al. teaches:

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“a verify element coupled to said inventory file element to compare information associated with files and directories in the release storage area with information associated with files and directories in the second storage area to identify differences between the compared information” (see [0096] and [0115]-[0118] wherein objects is equivalent to Applicant’s “files and directories” and Difference Engine is equivalent to Applicant’s “verify element”).

As to claim 5, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Brodersen et al. teaches:

“an install element coupled to said inventory file element to copy files and directories from the second storage area to the release storage areas” (see [0094] for migrating customized ODF and RC files into the new release).

As to claim 6, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Brodersen et al. teaches:

“wherein the second storage area is a build storage area used by a developer to modify or create files and/or directories for the software product” (see [0092], [0093] and [0101]).

As to claim 7, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Brodersen et al. teaches:

“wherein the identified differences may include one or more of: file existence, file naming, file ownership information, file access control information, file contents, directory existence, directory naming, directory ownership information, and directory access control information” (see [0116]-[0118]).

As to claim 8, Brodersen et al. teaches:

“A method for software release management of a software product” (see Abstract and [0092], the method comprising the steps of:

“identifying a build storage area having development files in a hierarchically structured development directory” (see [0092] wherein the repository storing each release is equivalent to Applicant’s “build storage area”, also see [0118]);

“gathering build information regarding development files and directories in the build storage area” (see [0094] and [0099] for ODF file associated with each release);

“identifying a release storage area having release files in hierarchically structure release directory” (see [0092] wherein the repository storing each release is equivalent to Applicant’s “release storage area”; also see [0118]);

“gathering release information regarding release files and directories in the build storage area” (see [0094] and [0099] for ODF file associated with each release);

“storing said gathered build information and said gathered release information in an inventory file element” (see [0103] wherein the repository storing ODF files is equivalent to Applicant’s “inventory file element”);

“reporting to a user regarding differences between the release information and the build information wherein the differences include one or more of: file existence, file naming, file ownership information, file access control information, file contents, directory existence, directory naming, directory ownership information, and directory access control information” (see [0092], [0098] and [0116]-[0118]).

As to claim 9, this claim is rejected based on arguments given above for rejected claim 8 and is similarly rejected including the following:

Brodersen et al. teaches:

“storing the gathered build information in a database” (see [0099]-[0103]);

“storing the gathered release information in a database” (see [0099]-[0103]);

“wherein the step of reporting further comprises accessing the database to compare the build information stored therein and the release information stored therein to identify differences therebetween” (see [0096] and [0099]).

As to claim 10, this claim is rejected based on arguments given above for rejected claim 8 and is similarly rejected including the following:

Brodersen et al. teaches:

“installing a copy of the release files and directories in a destination storage area to install a current release of the software product” (see [0094] for migrating customized ODF and RC files into the new release).



As to claim 11, this claim is rejected based on arguments given above for rejected claim 8 and is similarly rejected including the following:

Brodersen et al. teaches:

“copying build files from the build area via said inventory file element to the release area to generate a new release” (see [0092]-[0094] and Fig. 9).

As to claim 12, this claim is rejected based on arguments given above for rejected claim 11 and is similarly rejected including the following:

Brodersen et al. teaches:

“installing a copy of the release files and directories in a destination storage area to install a current release of the software product” (see [0094] for migrating customized ODF and RC files into the new release).

As to claim 13, Brodersen et al. teaches:

“A method for software release management” (see Abstract and [0092]) comprising the steps of:

“scanning a build storage area that contains modified files and directories for a software product” (see [0092] and [0094]);

“generating an inventory file from build information derived from the step of scanning and regarding the modified files and directories in the build storage area” (see [0103] wherein ODF file associated with each release is equivalent to Applicant’s “inventory file”);

“storing said scanned information in an inventory file element” (see [0103] wherein repository storing ODF files is equivalent to Applicant’s “inventory file element”);

“verifying the build information in the inventory file element with release information regarding a current release of files and directories in a release storage area” (see [0096]); and

“installing modified files and directories in the release storage area to create a new release of files and directories in the release storage area” (see [0094] for migrating customized ODF and RC files into the new release; also see [0093]).

As to claim 14, this claim is rejected based on arguments given above for rejected claim 13 and is similarly rejected including the following:

Brodersen et al. teaches:

“wherein the release information is stored in a release database” (see [0099]).

As to claim 15, this claim is rejected based on arguments given above for rejected claim 14 and is similarly rejected including the following:

Brodersen et al. teaches:

“updating information in the release database from the build information in the inventory file in response to the step of installing modified files and directories” (see [0093]-[0094] and Fig. 9).

As to claim 16, this claim is rejected based on arguments given above for rejected claim 13 and is similarly rejected including the following:

Brodersen et al. teaches:

“identifying the differences between the build storage area and the release storage area”  
(see [0096]); and

“presenting the identified differences to a user to permit correction of any identified anomalies by the user” (see [0092] and [0098]).

As to claim 17, this claim is rejected based on arguments given above for rejected claim 16 and is similarly rejected including the following:

Brodersen et al. teaches:

“wherein the differences may include one or more of: file existence, file naming, file ownership information, file access control information, file contents, directory existence, directory naming, directory ownership information, and directory access control information”  
(see [0116]-[0118]).

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571) 272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PTC

February 28, 2007

  
**CHARLES RONES**  
**SUPERVISORY PATENT EXAMINER**